IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 1004 (S/S) of 2006

Narendra Singh,
Son of Sri Sohan Singh,
R/o Village Gumal Gaon Chata,
P.O. – Timil Badi, Tehsil – Yamkeshwar,
District – Pauri Garhwal. **……Petitioner**

V e r s u s

1. State of Uttaranchal, through Additional Secretary, Education, Government of Uttaranchal, Dehradun.
2. Director of Education (Secondary), Uttaranchal, Dehradun.
3. District Education Officer, Pauri Garhwal.
4. Principal, Janta Inter College, Budholi, District – Pauri Garhwal.

……Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri M.C. Pant, learned counsel for the petitioner and Sri Paresh Tripathi, learned counsel for State of Uttaranchal on behalf of respondents no. 1 to 3.

By means of this writ petition, the petitioner has prayed for the following relief:

(i) issue a writ, order or direction in the nature of Certiorari calling for records and quashing the impugned advertisement dated 15.02.2006 so far as the post of Lecturer (Civics) is concerned.

(ii) issue a writ, order or direction in the nature of Mandamus directing the respondents to regularize

petitioner on the post and to pay him admissible salary scale with arrears.

(iii) *issue a writ, order or direction in the nature of Mandamus directing the respondents to ensure payment of full salary to the petitioner as is admissible to the regularly appointed LT Grade Teacher / Lecturer or at least to pay him admissible honorarium of Rs. 4000/- per month in pursuance to the Government Order dated 20.09.2003 with arrears from the date of his initial appointment with admissible interest.*

(iv) *Issue any other writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case.*

(v) *Award costs of the petition in favour of the petitioner.*

The facts as narrated in the writ petition are that petitioner was appointed as Teacher (Civics) for students of High School, some times in the year 2000 – 01 under PTA Scheme/ by Management. However, in the year 2005 as stated by the petitioner he was appointed under PTA Scheme / by Management to teach Civics to students of Intermediate Class.

Petitioner has challenged the advertisement dated 15.02.2006 issued to fill up the post of Lecturer (Civics) which is being held by petitioner.

Government Order dated 26.11.2005 provides that posts, which are being held by the persons duly appointed under PTA

Scheme prior to 20.09.2003 and are getting honorarium should not be filled.

Since the petitioner is appointed as Lecturer (Civics) under PTA Scheme/ by Management in the year 2005 he cannot get benefit of Government Order dated 26.11.2005.

Writ petition is devoid of merit, as such is dismissed, in limine. No order as to costs.

(M.M. Ghildiyal, J)

July 25, 2006
SKSharma